



FACT SHEET

Access and Fairness

The Judicial Council's Access and Fairness Advisory Committee was appointed in March 1994 to monitor issues related to access to the judicial system and fairness in the state courts.

Mission

The committee's charge is to ensure that Judicial Council projects advance the access and fairness goals set forth in the council's strategic plan and that new areas of focus are developed as appropriate.

History

The Judicial Council has a long history of working to improve fairness in the California court system, beginning with the Chief Justice's appointment of a special committee to review issues of gender bias in the courts in 1986 and the creation of the Judicial Council's Advisory Committee on Gender Bias in the Courts in 1987. In March 1991 the Advisory Committee on Racial and Ethnic Bias in the Courts was appointed to address issues of racial and ethnic fairness in the judicial system.

A successor to both committees, the Access and Fairness Advisory Committee, was appointed in 1994 to review and make recommendations about fairness issues in the courts related to race, ethnicity, gender, persons with disabilities, and sexual orientation. This committee also is charged with implementing the recommendations contained in the final reports of the former Advisory Committee on Racial and Ethnic Bias in the Courts and Advisory Committee on Gender Bias in the Courts.

Recent Accomplishments

The Access and Fairness Advisory Committee has:

- Promulgated a model rule on access to the courts for persons with disabilities;
- Drafted standards of judicial administration on fairness and access;
- Conducted focus groups to examine the issue of bias and sexual orientation and submitted a report with recommendations, which the council accepted in January 2001;
- Released the following reports and publications:
 1. *Sexual Orientation in the California Courts: Final Report of the Sexual Orientation Fairness Subcommittee of the Judicial Council's Access and Fairness Advisory Committee* (January 2001)
 2. *Gender and Justice: Implementing Gender Fairness in the Courts* (1996)
 3. *Final Report of the California Judicial Council Advisory Committee on Racial and Ethnic Bias in the Courts* (January 1997)

4. *Achieving Equal Justice for Women and Men in the California Courts* (1996)
 5. *Public Hearings Report: Access for Persons With Disabilities* (1997)
 6. *Access to the California State Courts: A Survey of Court Users, Attorneys, and Court Personnel* (1997)
 7. Q&A newsletters for judicial officers and the public on the model rule relating to access for persons with disabilities
 8. *Disability Etiquette: Interacting With Persons With Disabilities*
 9. “Guidelines for Judicial Officers: Avoiding the Appearance of Bias”—a brochure for judicial officers on how to avoid the appearance of gender bias
 10. *Guidelines for Lawyers: Eliminating Gender Bias in the Legal Profession*
 11. “Disability Fairness: Guidelines for Judicial Officers”—a pamphlet for judicial officers on avoiding the appearance of bias against persons with disabilities
 12. *Child Care Resource Guide and Roster*—two versions: one for court employees and one for court administrators
- Developed a pilot curriculum on sexual orientation fairness and preventing sexual harassment;
 - Developed a pilot curriculum on women of color and the justice system;
 - Convened educational roundtables to explore issues related to Native Americans, women of color, child care, and court security;
 - Conducted statewide conferences for Americans With Disabilities Act (ADA) coordinators to provide training on the basic requirements of the act and other federal and state statutes;
 - Hosted a statewide conference entitled “The New Millennium: Women of Color as Court Leaders and Managers” in spring 2000;
 - Produced the educational video *Obstacle Courts* on access to the courts for persons with disabilities;
 - Conducted focus groups to examine progress since the implementation of recommendations from the Advisory Committee on Gender Bias in the Courts and to propose follow-up efforts;
 - Developed and distributed a child-care resource guide and roster for court administrators and court employees;
 - With assistance from the Human Resources and Education Divisions, developed a training program on the topic of employment discrimination, designed for court personnel involved in employment decision making at the courts; and
 - Conducted regional focus groups to identify best practices for recruitment and selection of a representative grand jury, including community outreach.

Current Projects

The committee is:

- Preparing a report for consideration by the Judicial Council that proposes to amend the Standards of Judicial Administration to modify the jury voir dire questions in order to address domestic partnership issues for criminal and civil cases;
- In conjunction with the Center for Judicial Education and Research (CJER), developing educational programs on diversity and cultural competence, gender fairness, sexual orientation fairness, and barriers to access and fairness for persons with disabilities;
- Developing additional implementation strategies to complete the work on gender fairness in the courts, focusing on law school curricula and the judicial appointment process;
- Developing a demographic survey of the courts, designed to assess workplace diversity;

- Developing a resource guide about Native American legal issues for judicial officers;
- Producing an educational video for judicial officers and court staffs that addresses issues related to sexual orientation and racial, ethnic, and gender fairness, as well as collaborating with CJER in designing curriculum and a training program for use with the video;
- Planning a national conference on issues concerning women of color and the justice system;
- Implementing the recommendations from its predecessor committees, the Advisory Committee on Racial and Ethnic Bias in the Courts and the Advisory Committee on Gender Bias in the Courts, and from the Sexual Orientation Fairness Subcommittee's final report;
- Developing a booklet containing general principles and guidelines for court clerks on responding to requests for assistance from court customers;
- Consulting closely with CJER to assist in initiating, improving, and strengthening educational programs on diversity and cultural competence, gender fairness, sexual orientation fairness, and barriers to access and fairness for persons with disabilities;
- Developing methods to increase the numbers of certified spoken-language and American Sign Language (ASL) interpreters in the courts with the assistance of the Court Interpreters Program staff;
- Developing a comprehensive survey to determine whether juror's attitudes about race and ethnicity affect dispositional outcomes in criminal cases;
- Planning focus groups and roundtable discussions with law school deans to promote inclusion of gender fairness training in law school curricula; and
- Collaborating with the ADA coordinators from various counties to develop regional ADA training sessions.

Committee Structure

The Access and Fairness Advisory Committee has an Executive Committee and six subcommittees. Judge Ken M. Kawaichi of the Superior Court of Alameda County chairs the committee. Commissioner Barbara A. Kronlund of the Superior Court of San Joaquin County is vice-chair. The Executive Committee is composed of Judge Kawaichi, Commissioner Kronlund, and the chairs of the subcommittees. The subcommittees are:

- Access for Persons With Disabilities Subcommittee, co-chaired by Professor Todd Brower of Western State University College of Law and Ms. Sheila Conlon Mentkowski, Chief of the Client Assistance Program of the Department of Rehabilitation;
- Implementation and Education Subcommittee, co-chaired by Associate Justice James R. Lambden of the Court of Appeal, First Appellate District, Division Two, and Judge Steven K. Austin of the Superior Court of Contra Costa County;
- Gender Fairness Subcommittee, chaired by Associate Dean Maryann Jones of Western State University College of Law;
- Racial and Ethnic Fairness Subcommittee, co-chaired by Judge Manuel J. Covarrubias of the Superior Court of Ventura County and Judge Eric C. Taylor of the Superior Court of Los Angeles County;
- Sexual Orientation Fairness Subcommittee, co-chaired by Judge Steven A. Brick of the Superior Court of Alameda County and Mr. Sam Overton, Deputy Attorney General with the Los Angeles Office of the Attorney General; and
- Women of Color Subcommittee, co-chaired by Judge Teresa Estrada-Mullaney of the Superior Court of San Luis Obispo County and Ms. Raquelle Myers, a staff attorney with the National Indian Justice Center.